

United States Senate

May 9, 2019

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Barr:

Recent statements by the President raise serious concerns regarding your response to a question I posed during the May 1, 2019, Senate Judiciary Committee hearing on Special Counsel Robert Mueller's investigation. At the hearing, I asked you whether the President or other White House officials had ever asked or suggested to you that the Department of Justice should investigate an individual. You failed to provide a direct response, and instead asserted that you did not know.

But today, the President all but confirmed that he has made such a request when he called publicly for the prosecution of a former cabinet secretary and then stated that his "people" disagreed with him. In light of the President's deeply troubling statements, I request that you supplement your testimony and clarify your answers to my question.

Volume II of Special Counsel Mueller's report documented "a variety of actions towards the ongoing FBI investigation...that raised questions about whether [the President] had obstructed justice."¹ Among the potentially obstructive acts examined by the Special Counsel were repeated attempts by the President to target his perceived opponents using the power of federal law enforcement.²

For example, on three separate occasions the President asked or suggested that then-Attorney General Jeff Sessions open an investigation into the President's former opponent, Hillary Clinton.³ The report also catalogues a series of tweets in which the President suggests or openly calls for criminal and congressional investigations into Clinton's conduct.⁴

The incidents described in the report prompted me to ask whether the President or other White House officials had ever approached you with similar requests or suggestions. You proved unable or unwilling to answer the question:

¹ U.S. DEP'T OF JUSTICE, SPECIAL COUNSEL ROBERT S. MUELLER, III, REPORT ON THE INVESTIGATION INTO RUSSIAN INTERFERENCE IN THE 2016 PRESIDENTIAL ELECTION (2019) vol. II, at 1 [hereafter MUELLER REPORT].

² Michael S. Schmidt, *Mueller Report Reveals Trump's Fixation on Targeting Hillary Clinton*, N.Y. TIMES, Apr. 24, 2019, at <https://www.nytimes.com/2019/04/24/us/politics/jeff-sessions-hillary-clinton-donald-trump.html>.

³ MUELLER REPORT, *supra* note 1, at 107, 109.

⁴ *Id.* at 95, 96, 109, 110, 111.

Senator Harris: Attorney General Barr, has the President or anyone at the White House ever asked or suggested that you open an investigation of anyone?

Attorney General Barr: Um, I wouldn't ... I wouldn't, uh—

Senator Harris: Yes or No?

Attorney General Barr: Could you ... could you repeat that question?

Senator Harris: I will repeat it. Has the President or anyone at the White House ever asked or suggested that you open an investigation of anyone? Yes or no please, sir.

Attorney General Barr: Um, the President or anybody else...

Senator Harris: Seems you would remember something like that and be able to tell us.

Attorney General Barr: Yeah, but I'm, I'm trying to grapple with the word "suggest." I mean, there have been discussions of, of matters out there that, uh—they have not *asked* me to open an investigation, but...

Senator Harris: Perhaps they've suggested?

Attorney General Barr: I don't know, I wouldn't say suggest...

Senator Harris: Hinted?

Attorney General Barr: I don't know.

Senator Harris: Inferred? You don't know?

Attorney General Barr: No.

However, on May 9, 2019, during a press conference at the White House, the President called publicly for the prosecution of former Secretary of State John Kerry, before stating that members of his administration disagreed. The President stated:

President Trump: What I would like to see with Iran, I'd like to see them call me. You know John Kerry speaks to them a lot. John Kerry tells them not to call. That's a violation of the Logan Act, and frankly he should be prosecuted on that, but my people don't want to do anything that's—only the Democrats do that kind of stuff, you know. If it were the opposite way, they would prosecute him under the Logan Act, but John Kerry violated the Logan Act. He's talking to Iran and has been, has many meetings and many phone calls and he's telling them what to do. That is a total violation of the Logan Act....

In order for the American people to retain trust in the Department of Justice, the public must have confidence that the women and men who enforce our laws act with fairness and

impartiality. Your failure to categorically respond to my question in the negative undermines that confidence.

In light of the President's statements today, I request that you supplement your testimony to the Senate Judiciary Committee and respond to the following questions no later than May 23, 2019:

1. Has the President or anyone at the White House ever made a request or suggestion, whether implied or explicit, that you or other Justice Department personnel open an investigation of anyone?
2. Since your appearance before the Senate Judiciary Committee on May 1, 2019, have you had an opportunity to refresh your memory in regard to whether the President or anyone at the White House ever made a request or suggestion, whether implied or explicit, that you or other Justice Department personnel open an investigation of anyone? If so, are you now able to state whether the President or anyone at the White House ever made a request or suggestion, whether implied or explicit, that you or other Justice Department personnel open an investigation of anyone?
3. Has the President or anyone at the White House ever made a request or suggestion, whether implied or explicit, that you or other Justice Department personnel prosecute former Secretary of State John Kerry for a violation of the Logan Act?
4. Has the President or anyone at the White House ever requested an opinion from you or other Justice Department personnel on whether former Secretary Kerry's conduct violated the Logan Act?
5. Has the President or anyone at the White House ever made a request or suggestion, whether implied or explicit, that you or other Justice Department personnel prosecute former Secretary Kerry for a violation of any other federal laws?
6. Has the President or anyone at the White House ever requested an opinion from you or other Justice Department personnel on whether former Secretary Kerry's conduct violated any other federal laws?

Thank you for your prompt attention to this request.

Sincerely,


KAMALA D. HARRIS
United States Senator